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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,353	02/10/2006	Terje Moldestad	P17015-US1	2578

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER	
NG, FAN	

ART UNIT	PAPER NUMBER
4145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/540,353	MOLDESTAD ET AL.	
	Examiner	Art Unit	
	FAN NG	4145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 4-8* is/are rejected.

7)☒ Claim(s) *2* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/23/05, 12/14/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it should be stand along, not a copy of first page of PCT. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim(s) 1, 7 is/are objected to because of the following informalities: The phase " and/or" is in the claim, which is not allowed.

3. Because of claim(s) 2, 4-6, 8 is/are objected, therefore its dependent claims … is/ are also objected.

4. Claim(s) 1 is/are objected to because of the following informalities: The word "characterized" it is not standard US practices to use characterized in the claim.

5. Because of claim(s) 2, 4-8 is/are objected, therefore its dependent claims … is/ are also objected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1, 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Androski (6842513) in view of See (6466591) and further in view of Chen (2001/0055300) and Cetin (2004/0028064).

6. As per claim 1, A method for transporting Time Division Multiplex (TDM) time slots of a circuit switched connection from a first circuit switched node to a second circuit switched node through a packet switched network including a number of packet switched nodes, the circuit and packet switched nodes are all having the characteristics of a Multiprotocol Label Switch (MPLS), comprising the steps of:

7. **Androski teaches** in the first circuit switched node, … transferred in the packet switched network **(Fig. 3, data packet transferred from circuit switch to packet switch network)**

8.

Androski doesn't teaches …encapsulating the time slots in a data frame adjusted …

9. **See teaches** … encapsulating the time slots in a data frame adjusted **(col. 5, line 34-36: TDM packet is transferred to physical connected circuitry based on configuration data for the time slots)** …

10. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of See into Androski, since Androski suggests transfer data between circuit switch and packet switch and See suggests the beneficial use of TDM signal, such as to use TDM signal can be bandwidth efficient, they are in the analogues art of communication protocol.

11. Androski and See do not teach stacking the data frame with at least one inner MPLS label uniquely addressing a PCM system within the second circuit switched node.

12. **Chen teaches** stacking the data frame with at least one inner MPLS label uniquely addressing a PCM system within the second circuit switched node **([0015] the IP packet (also can be MPLS label protocol, see [0056]) is go into a Abis interface (which is a circuit switched interface, see [0014]) . In addition, it is inherent, that each IP packet has one uniquely destination address, see [0021])**

13. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Chen into Androski, since Androski suggests transfer data between circuit switch and packet switch and Chen

suggests the packet data go into a circuit switch network, such as, it is necessary to communication between circuit switch and packet switch, they are in the analogues art of communication protocol.

14. **Androski, See, and Chen do not teach** and/or at least one outer MPLS label identifying a fixed path of consecutive packet switched nodes within the packet switched network said outer label includes addresses of all the packet switched nodes included in the fixed path.

15. **Cetin teaches** and/or at least one outer MPLS label identifying a fixed path of consecutive packet switched nodes within the packet switched network **(Fig. 5A is a packet switch network, and label switching (MPLS) is used)**, said outer label includes addresses of all the packet switched nodes included in the fixed path **([0004]: MPLS … pre-determined path…, which means all the address is known ahead)**…

16. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Cetin into Androski, since Androski suggests transfer data between circuit switch and packet switch and Cetin suggests a properties of MPLS protocol, such as, by define a pre-determined fixed path, the bandwidth is guaranteed, they are in the analogues art of communication protocol.

As per claim 4, **Androski, See, Chen, and Cetin teach** method according to claim 1, comprising the step of:

17. **Androski, See, and Chen do not teach** in the first node, including the address of the first packet switched node of the fixed path as the outer label, and, in each of the consecutive packet switched nodes, exchanging the content of the outer label with the address of the packet switched node following current packet switched node or, if current packet switched node is the last packet switched node of the fixed path, with the address of the second circuit switched node.

18. **Cetin teaches**

19. in the first node **(Fig. 1)**, including the address of the first packet switched node of the fixed path as the outer label **([0005]: A … labels contain local routing information …)**, and, in each of the consecutive packet switched nodes, exchanging the content of the outer label with the address of the packet switched node following current packet switched node **([0005] : … label is switched with the next label in the path …)** or, if current packet switched node is the last packet switched node of the fixed path, with the address of the second circuit switched node.

20. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Cetin into Androski, since Androski suggests transfer data between circuit switch and packet switch and Cetin

suggests a properties of MPLS protocol, such as, by define a pre-determined fixed path, the bandwidth is guaranteed, they are in the analogues art of communication protocol.

21.

As per claim 5, **Androski, See, Chen, and Cetin teach** method according to claim 1,

22. **Androski teaches** wherein that the first and the second circuit switched nodes are Label Edge Routers (LERs) **(Fig. 3, #16 #18)**

23. **Androski, See and Chen do not teach** the packet switched nodes are Label Switched Routers (LSRs)

24. **Cetin teaches** the packet switched nodes are Label Switched Routers (LSRs) **(Fig. 5)**.

Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Cetin into Androski, since Androski suggests transfer data between circuit switch and packet switch and Cetin suggests a properties of MPLS protocol, such as, by define a pre-determined fixed path, the bandwidth is guaranteed, they are in the analogues art of communication protocol.

25.

As per claim 6, **Androski, See, Chen, and Cetin teach** method according to claim 1, wherein that the circuit switched connection is a 64 kbits connection and the number of time slots in the data frame is 32 or 24.

However, it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value. The burden of showing criticality is on Appellant.) In re Mason, 87 F.2d 370, 32 USPQ 242 (CCPA 1937); Marconi Wireless Telegraph Co. v. U.S., 320 U.S. 1, 57 USPQ 471 (1943); In re Schneider, 148 F.2d 108, 65 USPQ 129 (CCPA 1945); In re Aller, 220 F.2d 454, 105 USPQ 233 (CCPA 1955); In re Saether, 492 F.2d 849, 181 USPQ 36 (CCPA 1974); In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977); In reBoesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

26. using the above parameters or values since it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value. In additional, it is a design choice.

27.

As per claim 7, **Androski, See, Chen, and Cetin teach** method according to claim 1, **Androski teaches** wherein that the first and/or the second circuit switched node are/is (an) exchange (s) in (a) public telephone network (s) **(Fig. 3, #16, #14: and col. 3, line 55-56)**.

As per claim 8, **Androski, See, Chen, and Cetin teach** method according to claim 1, **Androski teaches** wherein that the circuit switched connection is a real-time connection like a telephone call connection **(Fig. 3, #16, #14: and col. 3, line 55-56, in addition, it is inherent, that a telephone call is real time)**.

Allowable Subject Matter

28. Claim (s) 2 is/are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

a. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAN NG whose telephone number is (571)270-3690. The examiner can normally be reached on Monday-Friday; 7:30am-5:30pm.

b. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571)272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

c. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

29. 30.

31. FN

/Pankaj Kumar/

Supervisory Patent Examiner, Art Unit 4145